

REMARKS

Claims 30-32, 34-36 and 38-40 are pending in this application. By this amendment, claims 30, 34 and 38 are amended.

Entry of this amendment is proper under 37 C.F.R. §1.116 because the amendments: (a) place the application in condition for allowance for the reasons set forth below; (b) do not raise any new issues requiring further search and/or consideration; and (c) place the application in better form for appeal should an appeal be necessary. More specifically, the above amendments are in direct response to the Office Action and merely clarify the claimed features. Thus, no further consideration is necessary by the Examiner.

The Office Action rejects claims 30-32, 34-36 and 38-40 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action asserts that the specification as originally filed does not disclose the feature of the “same frequency band” as recited in each of independent claims 30, 34 and 38. By this Amendment, each of independent claims 30, 34 and 38 are amended to change “the same frequency band” to “one channel”. It is respectfully submitted that the specification adequately supports this feature. See, for example, page 5, lines 2-3 of the present specification. Withdrawal of the outstanding rejection under 35 U.S.C. §112, first paragraph, is respectfully submitted.

The Office Action has not rejected the claims based on prior art and therefore all the claims are believed to be allowable over the prior art (even though the claims have been

amended for clarity). For example, the April 8, 2003 Office Action rejected the claims based on U.S. Patent No. 5,235,615 to Omura. Applicant supplied distinguishing remarks in the Amendment filed June 30, 2003. Applicant maintains that the pending claims define patentable subject matter over Omura. For example, independent claim 30 recites that each of a plurality of reverse communication channels and each of a plurality of forward communication channels utilize one channel that comprises forward and reverse direction communication channels. Further, each of the plurality of reverse communication channels and each of the plurality of forward channels have a unique code. Independent claim 34 recites the reverse communication channel and the forward communication channel utilize one channel that comprises forward and reverse direction communication channels (as well as each have a unique code). Independent claim 38 recites that each of the plurality of reverse communication channels and each of the plurality of forward communication channels utilize one channel that comprises forward and reverse direction communication channels (as well as each have a unique code).

Omura relates to a spread spectrum method. In column 2, lines 59-63, it is disclosed that "[f]or a particular two-way communications channel between a particular mobile using and the base station, the unique chip codeword used for the base-communications signal and the remote-communications signal, respectively, [is] the same." Accordingly, the base-communications signal and the remote-communications signal disclosed in Omura do not each have a unique code, as previously discussed. This is evident and apparent, as the "unique chip

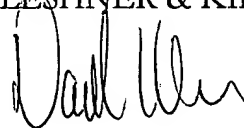
codeword" is disclosed in Omura as being the same for the base-communications signal and the remote-communications signal.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 30-32, 34-36 and 38-40 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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